

MINUTES

**MONTANA SENATE
56th LEGISLATURE - REGULAR SESSION**

COMMITTEE ON JUDICIARY

Call to Order: By **CHAIRMAN LORENTS GROSFIELD**, on January 25, 1999 at 10:00 A.M., in Room 325 Capitol.

ROLL CALL

Members Present:

Sen. Lorents Grosfield, Chairman (R)
Sen. Al Bishop, Vice Chairman (R)
Sen. Sue Bartlett (D)
Sen. Steve Doherty (D)
Sen. Duane Grimes (R)
Sen. Mike Halligan (D)
Sen. Reiny Jabs (R)
Sen. Walter McNutt (R)

Members Excused: Sen. Ric Holden (R)

Members Absent: None.

Staff Present: Judy Keintz, Committee Secretary
Valencia Lane, Legislative Branch

Please Note: These are summary minutes. Testimony and discussion are paraphrased and condensed.

Committee Business Summary:

Hearing(s) & Date(s) Posted: SB 75, SB 221, SB 222, SB 250,
1/22/1999
Executive Action: SB 165, SB 213, SB 222

HEARING ON SB 250

Sponsor: SEN. SUE BARTLETT, SD 27, Helena

Proponents: None

Opponents: John Larson, Missoula District Court Judge

Opening Statement by Sponsor:

SEN. SUE BARTLETT, SD 27, Helena, introduced SB 250. This legislation has been introduced to take care of sections of law that have been found unconstitutional by the Montana Supreme Court. This repeals the extended jurisdiction prosecution act which relates to juveniles in criminal proceedings. The Court found that this act violated the equal protection provisions of the Montana Constitution by treating juvenile offenders more harshly than it would treat adult offenders who were charged with and found guilty of the same crime and by violating the section of the Constitution which deals with the rights of minors. It indicates that the Constitutional intent is that distinctions may be made for minors in order to enhance protections for minors but the Court found that the statutes that are proposed to be repealed in SB 250 did not enhance the protections of minors but in fact subjected them to greater punitive measures.

On page 6 of SB 250 there is a coordination instruction with LC513 which is an attempt to accomplish the purposes of the act that we are repealing without violating the Constitution.

Proponents' Testimony: None**Opponents' Testimony:**

John Larson, Missoula District Court Judge, remarked that he is working on SB 243 which attempts to deal with the equal protection issues addressed in the Montana Supreme Court decision. It also addresses 41-5-208, which is not linked to extended jurisdiction and was not part of the Montana Supreme Court decision. He asked that SB 250 and SB 243 be considered together by the Committee.

Questions from Committee Members and Responses:

SEN. HALLIGAN asked **Judge Larson** if he was speaking for the **Judges Association**. **Judge Larson** replied that he was not working for the **Judges Association** on this particular bill but was working with several of the judges that have used and do support extended jurisdiction including the judges in his district. He added that the Juvenile Incentive Block Grant which was passed last year and reenacted again this year, gives Montana \$1.5 million. Part of the requirements for Montana to be eligible to receive that money was either to have a direct transfer statute or to have a blended jurisdiction bill under consideration. We do not have a direct transfer statute. The judge has discretion as to whether or not the youth will be transferred. Even though there may be a motion for leave to file an information, the judge

has discretion as to whether or not that youth will be on the adult side. This doesn't qualify under the federal requirements for the block grant. The alternative is to have a blended jurisdiction bill. Montana's blended jurisdiction bill was found to be unconstitutional. The block grant money was applied for and received. Billings received \$180,000, Great Falls received \$140,000 and Missoula received several hundred thousand dollars. These funds go directly to juvenile programs in the county.

{Tape : 1; Side : A; Approx. Time Counter : 10.16}

Closing by Sponsor:

SEN. BARTLETT shared **Judge Larson's** interest and intent in the attempts that have been made for blended jurisdiction. The dilemma is trying to make that Constitutional under the provisions of the Montana Constitution. She believed that the coordinating instruction provided sufficient safeguards. She added that **Mr. Petesch** has told the Committee that the Legislative Services Division continues to receive phone calls from people in the criminal justice system and attorneys who represent the defendants about the status of this particular act. She would like to see SB 250 move forward and use the coordinating instruction as the safeguard.

HEARING ON SB 222

Sponsor: **SEN. STEVE DOHERTY, SD 24, Great Falls**

Proponents: **None**

Opponents: **None**

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 24, Great Falls, introduced SB 222. He explained that this legislation recognizes under Article VII, Section 2, that the Montana Supreme Court has the authority to create the rules for admission to the State Bar. The sections that are being repealed deal with the legislature's attempts to inject itself into that Supreme Court function by making certain requirements in statute. The Supreme Court and the Montana State Bar have recently gone through some extensive rule making. One of the areas which has been addressed allows for attorneys not practiced in this jurisdiction to practice before a court for purposes of a certain action.

Proponents' Testimony: None

Opponents' Testimony: None

Questions from Committee Members and Responses: None.

Closing by Sponsor:

SEN. DOHERTY closed on SB 222.

HEARING ON SB 221

Sponsor: SEN. STEVE DOHERTY, SD 24, Great Falls

Proponents: John Connor, Montana County Attorneys Assoc.

Opponents: None

Opening Statement by Sponsor:

SEN. STEVE DOHERTY, SD 24, Great Falls, introduced SB 221, which deals with the clarification of the showing necessary for the discovery of constitutionally protected material by a subpoena.

Proponents' Testimony: John Connor, Montana County Attorneys Assoc., remarked that they have advised all county attorneys of their responsibilities under the Nelson decision and have sent a copy of a new investigative subpoena that should be used in those questionable areas. He recently reviewed an investigate subpoena dealing with health care information and realized that it was utilizing the old administration of justice standards. He suggested amendments to make the bill less inclined to be construed as a laundry list of materials that one seeks to obtain, **EXHIBIT(jus19a01)**. Beginning on line 26, this would read, "In order to establish a compelling state interest for the issuance of such a subpoena, the prosecutor shall state facts and circumstances sufficient to show probable cause to believe that an offense has been committed and that the information relative to the commission of that offense is in the possession of the person or institution to whom the subpoena is directed."

Opponents' Testimony: None.

Informational Testimony:

Greg Petesch, Code Commissioner, remarked that the amendments address the underlying issue. He added that reasonable people may have different approaches to resolving the underlying issue.

Questions from Committee Members and Responses:

CHAIRMAN GROSFIELD asked who would be likely to receive a subpoena and how it would be served. **Mr. Connor** stated that the amendment would apply most often to health care information. The Nelson decision does not define "constitutionally protected material". Another area that may fall within that phrase would be personnel records. The Court acknowledges that telephone toll records are not protected under one's right of privacy under the Montana Constitution so the lesser standard articulated in the first paragraph would be utilized in that situation. Their advice to prosecutors is to follow the probable cause standard whenever possible.

SEN. BARTLETT asked why line 3 on page 2 was being stricken. This required the person seeking the subpoena to particularly describe what is being subpoenaed. **Mr. Connor** explained that the language is generally related to a search warrant. As a practical matter, it is necessary to particularly describe what it is you are seeking in order to obtain it.

Closing by Sponsor:

SEN. DOHERTY remarked that this not only addresses medical or personnel records but tax returns as well. For the information that is constitutionally protected, there is a privacy interest at stake and the standard and showing needs to be higher for investigative subpoenas than the other material currently in subsection (1).

{Tape : 1; Side : A; Approx. Time Counter : 10.28}

HEARING ON SB 75

Sponsor: **SEN. MIKE HALLIGAN, SD 34, Missoula**

Proponents: **Steve Bullock, Department of Justice**
Wally Melcher, Developmental Disabilities System
Advocacy Committee
Anita Roessmann, Montana Advocacy Program

Opponents: **Jerry Loendorf, Montana Medical Association**
Rose Hughes, Montana Health Care Association
Susan Good, Neurosurgeons, Orthopedic Surgeons,
Anesthesiologists, ENT, and Ophthalmologists
Steve Browning, Montana Hospital Association

Opening Statement by Sponsor:

SEN. MIKE HALLIGAN, SD 34, Missoula, introduced SB 75. In 1995 the Montana Legislature established the Medicaid Fraud Control Unit in the Department of Justice. A criminal offense was specifically designed to address fraudulent activities. This bill amends state law to include the Medicaid Fraud Unit as an entity to which reports of patient abuse must be filed. The Medicaid Fraud Unit would be allowed to investigate cases of suspected patient abuse and creates a felony offense of mistreatment of patients for cases in which a paid care giver physically abuses a patient or unlawfully takes a person's funds or property. It also establishes that Medicaid providers must prepare and maintain records to substantiate claims for payment and creates an offense for the failure to maintain or produce those records. An amendment has been provided by the Department of Justice, **EXHIBIT(jus19a02)**.

Proponents' Testimony:

Steve Bullock, Department of Justice, remarked that the Medicaid Fraud Unit has collected over \$1 million. Three-fourths of the funding of the unit comes from federal dollars as well. It is staffed with seven individuals. The purpose of this bill is to give this unit the tools to be a more effective force in protecting both Montana's vulnerable citizens and taxpayers.

Section 1 of the bill requires that records of abuse from long term care facilities must also be provided. This simply requires a photocopy of the report.

Section 2 of the bill addresses the Unit's powers. Current law states that the unit can only review complaints of abuse, neglect, and misappropriation of patient property by providers, employees, or agents. Federal regulations would permit the unit to investigate abuse occurring within facilities receiving Medicaid funds regardless of whether the abuser is associated with the provider. An example is a woman who received a signature from her mother and as a result misappropriated money notwithstanding the fact that her mother was already adjudicated as incompetent. Under current law they would have no authority to investigate due to the fact that the fraud did not happen from a provider, agent or employee.

Section 3 creates a felony offense for mistreating a patient by either knowingly or purposely causing bodily injury or misappropriating a patient's property. Under current law, it is a felony to mistreat prisoners. We do not afford that same degree of protection to some of Montana's most vulnerable citizens.

Section 4 would make it a misdemeanor offense to purposely or knowingly fail to maintain Medicaid records. The intention behind having a record's maintenance offense is not to police the adequacy and thoroughness of the records but rather to use it as a tool in investigations involving more serious allegations of fraud and abuse. Written testimony - Dept. of Justice - **EXHIBIT(jus19a03)**.

{Tape : 1; Side : A; Approx. Time Counter : 10.36}

Wally Melcher, Developmental Disabilities System Advocacy Committee, remarked that many of their service providers make mandatory reports to the state's Adult Protective Services Agency when cases of abuse, neglect, or exploitation are observed. He stated that at a subcommittee hearing on human services this morning there was testimony regarding a young woman who was repeatedly abused by a significant other to the point where the last incident resulted in her laying for 18 hours in a pool of blood before she was discovered. This case was investigated by Adult Protective Services. They documented significant evidence including photographs of her injuries and referred this for prosecution to the county attorney. Following a discovery process, the conclusion was that there was not sufficient evidence to prosecute this case. The police department and the Adult Protective Services questioned this decision but were told that because of a development disability this person was not prepared to participate in the prosecution and act as a credible witness.

The legislation creates another offense for pursuing these protective services cases that makes the crime of mistreatment of a patient which involves abuse, neglect, or exploitation a felony. They feel this is an appropriate penalty.

They are concerned with the amendment to new section 3 where subparagraph (b) has been eliminated. They believe that this is a definition of negligence which applies to a number cases in the state and should appear in this legislation.

Anita Roessmann, Montana Advocacy Program, stated that they are also concerned that section 3 has been watered down in two respects. Section 3(a) states that the person commits the offense of mistreatment of a patient if the person provides care to a patient for compensation and purposely or knowingly causes bodily injury to a patient. This has been amended to include the clause "except where the act causing the bodily injury is part of the treatment and care and intended to further the health and safety of the patient." This would provide a loophole for people to impose a form of physical restraint and doing it with

excessive force. This language creates the impression that if you are using excessive force to restrain someone simply to punish them that you can take refuge in this language.

They also believe that subparagraph (b) should be included. Ten years ago, there were dozens of patients in the state hospital living in conditions that were medieval. People were locked in closed cells 20 to 23 hours a day. It is important to send a message to people who work in long term care facilities that they will be held to a high standard of conduct.

She provided reprints from a Harvard newspaper article on restraint and seclusion, **EXHIBIT(jus19a04)**. This article reports on the persistence of the abuse of restraints in this country. Written Testimony of **Ms. Roessmann, EXHIBIT(jus19a05)**.

{Tape : 1; Side : B; Approx. Time Counter : 10.50}

Opponents' Testimony:

Jerry Loendorf, Montana Medical Association, remarked that a waiver of co-payments, if done routinely, is considered a crime. They are concerned with Section 3(a) which makes any surgery a crime. Section 3(b) is of concern because people often sign living wills which indicate that they do not want their physical or mental health to be maintained after a certain point. They support the amendments to Section 3.

Section 4 makes failure to keep records a crime. The provider furnishes the department a record that justifies payment. The department makes a determination that the services provided were medically necessary based on the record. Upon an audit, even if you are found innocent, you are penalized because you need to pay the cost of defense and also this accusation may end up in the press. Medicaid pays physicians 55% of their usual fees. They are the lowest provider group. Incentives are needed for physicians to continue to provide services for Medicaid patients.

Rose Hughes, Montana Health Care Association, rose in opposition to SB 75. This legislation is duplicative and adds layers to the authority that already exists. Page 1 contains a reporting requirement that adds the Medicaid Fraud Control Unit to the list of people that they need to report to as a long term care facility. They are already reporting to the ombudsman, who has authority to go into their buildings as well as the Department of Public Health and Human Services (DPHHS), which has extensive regulatory authority over their facilities. The DPHHS has professionals in terms of nurses and nutritionalists who have an understanding of what they see when they go into a nursing home

so that they understand what they are dealing with. People in their facilities are at high risk for bruising and skin tears.

Paperwork is a huge problem because it is time consuming and expensive. They also are concerned about the creation of one more new type of crime that applies only solely to care givers. They support the amendments and have concerns about proponents' request to put some of the language back into the bill. Many times the care they provide in simply getting individuals out of bed or providing treatment to them, hurts them. Also, their services are not as simple as a doctor might provide. These services include everything from providing recreational and social services, medical services and spiritual services. This includes everything they do for people 24 hours a day.

Many nursing facilities have stated that record keeping and documentation requirements actually keep them from patient care. They wished the nurses could be on the floor providing care but instead they are sitting in their office working on documentation.

This legislation is very duplicative and layers more laws and requirements and now they will be criminally liable as well as civilly liable.

Susan Good, Neurosurgeons, Orthopedic Surgeons, Anesthesiologists, ENT, and Ophthalmologists, spoke in opposition to SB 75 and especially raised the concern of access. She stated that the Human Services Subcommittee is dealing with access for Medicaid patients. It is becoming difficult to motivate specialists to continue to treat Medicaid patients when their reimbursement levels are very low and now they may face the possibility of their efforts being criminalized.

Steve Browning, Montana Hospital Association, stated that this bill is unnecessary. There are adequate remedies in law for the problems that have been raised by the proponents. The records required to be kept are already required by federal and state law in connection with the Medicaid program.

{Tape : 1; Side : B; Approx. Time Counter : 11.11}

Questions from Committee Members and Responses:

SEN. MCNUTT questioned whether it was mandatory for the medical profession to provide Medicare and Medicaid services to the public. **SEN. HALLIGAN** responded that it was not mandatory.

SEN. MCNUTT believed that with a reimbursement rate of 55%, many persons in the medical profession may decide to no longer provide Medicaid services. **SEN. HALLIGAN** believed that this is a legitimate issue. There is a delicate balance in making sure that those who are most vulnerable are protected. Given the opponents testimony, this bill needs a tremendous amount of scrutiny.

SEN. GRIMES asked if a fiscal note may be necessary. **Mr. Bulloch** remarked that it was discussed and they were not able to determine a fiscal impact. They will only receive a photocopy of the report. Authority is already present to handle the investigation.

SEN. MCNUTT commented that SB 176 addressed much of the same issues. He believed that this legislation is layering statutes. **Mr. Bulloch** stated that SB 176 dealt exclusively with the Montana Elder Abuse and Developmental Disabilities Act. The mistreatment of a patient offense applies to all abuse of patients by a paid care giver. The mistreatment offense has the potential to protect all of Montana's vulnerable citizens, not just those over 60 years of age or those with developmental disabilities. A prosecutor would have the choice of charging under the Elder Abuse Act or Mistreatment of a Patient Act. The Mistreatment of a Patient Act gives the potential of a felony charge.

SEN. GRIMES stated it was his understanding that the department can review any complaint if it is by a nursing home or hospital, its employees, or other representatives. He questioned who they were not able to investigate. **Mr. Bulloch** responded that currently they can investigate providers, employees, and agents receiving Medicaid funds. The amendment would allow investigations of all patient abuse and it would not be tied to the employees or agents.

CHAIRMAN GROSFIELD asked **Ms. Roessmann** if she included surgery in bodily injury. Also, moving patients can cause pain. He remarked that it was important to draft the language in a way so that it would not be misapplied and still covered the issues. **Ms. Roessmann** stated the reason this was written in its original form is that it is understood that if the intent is not to cause injury but to provide treatment, you have a defense. Something like this will not be a problem for someone acting legitimately. Their position is that the additional language is simply not necessary.

SEN. DOHERTY asked if the bill would require the medical profession to keep records longer than they are already keeping records. **Mr. Loendorf** stated that it would not and they are not

concerned about being required to keep the records. The problem is that records may not be reviewed for five years. If they are now to be reviewed, there could be five years of charges for mistakes or lack of adequacy.

SEN. DOHERTY questioned what portion of the bill would subject someone to criminal liability for unknowingly having inadequate records from four and a half years ago. **Jimmy Weg, Director of Medicaid Fraud Control Unit**, explained that the documents filed with DPHHS to receive payment generally consist of a one page standard form on which certain codes are listed. The proposed legislation addresses the backup records to substantiate what was billed to Medicaid and would include the procedures, physician's notes, and actual time spent with the patient. Their aim would not be to go after legitimate errors in record keeping. They would look for the intent of purposely or knowingly. They proposed an amendment to delete the negligent provision which would attach criminal liability.

SEN. DOHERTY explained that it then was his understanding that an unknown failure to maintain a file for that period of time would not meet the criminal standard and would not subject any of the providers to the liability they are looking at. **Mr. Weg** agreed and added that this is why they deleted the negligence portion and replaced it with a purposeful or knowing intent.

SEN. MCNUTT asked if there could be a charge back for fees that were paid for up to five years previously. **Mr. Weg** stated that generally they would not be involved in collections. This would be left to DPHHS. They may refer a matter to DPHHS for their consideration. Barring any fraud, they wouldn't be involved in collection based upon record keeping.

Kathy Seely, Medicaid Fraud Control Unit, stated that there is provision in the rules for inadequate records. The DPHHS could recover the money.

CHAIRMAN GROSFIELD asked for a copy of the rules before executive action was taken by the Committee.

SEN. GRIMES raised a concern about frivolous charges made against legitimate practices dragging their reputation through the media. **Ms. Roessmann** stated that there is no protection for people with mental illness. They are very concerned that in a large institution like the Montana State Hospital and in the smaller facilities that the trend towards community based services will create, abuses will occur in dealing with persons with mental illness. There is a tradition of treating people as if they were criminals instead of being ill. There has been very little

training for people on how to deal with situations before they escalate so that the providers think it is necessary to use force. As far as they can tell at this time, there is no need for people to report injuries or even deaths that occur in their facilities possibly as a result of restraint or seclusion practices. No one is prosecuted for killing or severely injuring people using restraint and seclusion practices in facilities.

SEN. GRIMES asked the anticipated costs to facilities. **Ms. Hughes** responded that the costs she envisioned included staff spending additional time on paperwork and compliance.

Closing by Sponsor:

SEN. HALLIGAN stated that there are many excellent providers and excellent facilities in this state. This legislation is trying to provide the delicate balance where the most vulnerable individuals are protected. They are very cognizant of the access issue. They need to find the language that will help track the dollars to make sure they are being spent wisely and make sure people who abuse the system are treated appropriately.

Additional Exhibit - Memo from Kathy Seeley, Dept. of Justice - **EXHIBIT(jus19a06)**.

{Tape : 2; Side : A; Approx. Time Counter : 11.43}

EXECUTIVE ACTION ON SB 213

Motion: **SEN. MCNUTT** moved that **SB 213 DO PASS AS AMENDED.**
(SB021301.av1 - **EXHIBIT(jus19a07)**)

Discussion:

SEN. BARTLETT reiterated that the statute would repeal the existing hate crimes law. If this bill was struck down for vagueness, there would be nothing left in the law to address these specific circumstances. She asked the Committee to consider not repealing the malicious intimidation or harassment statute, 45-5-221. This bill provides for a sentence enhancement so it would make some sense to repeal 45-5-222, which is also a sentence enhancement for a hate crime.

CHAIRMAN GROSFIELD stated that the significant portion of the bill dealt with the rights enumerated in the Constitution. He couldn't imagine that that portion of the bill would be unconstitutional and that encompasses most of the provisions in the current hate crimes statute. Section 45-5-221 would be eliminated through the repealers. Anytime an issue could come up

under 221, it could also come up under this statute. He would like to get rid of the list and go with the broader approach that in Montana discrimination is not acceptable.

SEN. DOHERTY stated that in the Wisconsin U.S. Supreme Court case, the Montana statute was cited by the U.S. Supreme Court as a statute that would meet constitutional muster for the test of whether it was over broad or vague. The Montana Supreme Court has already interpreted the sentence enhancement and the U.S. Supreme Court has noted, with approval, our specific listing. The dangerous step is that by passage of the bill as amended, we will be promoting litigation and leaving a huge gap in the protection currently afforded Montana citizens. Historically and legally, the precedent is that there are vulnerable groups in our society that we recognize as being vulnerable and that is why we use the language of race, creed, color, and national origin.

SEN. JABS questioned how the bill would be affected if 221 was not repealed. **CHAIRMAN GROSFIELD** explained that 221 had a narrow list of people who would be protected. There is a wider range of people protected under SB 213. In the instance of a racial issue that would be covered in both, a prosecutor would review the case and make a decision as to which statute to use.

SEN. GRIMES remarked that just because the Supreme Court affirms a statute does not mean that it is the best way to approach an issue. We have created classes. Additional litigation needs to be weighed against the promise the bill holds in that it would protect all Montanans from hate, prejudice, and bigotry.

SEN. HALLIGAN commented that this would involve backing off a strong policy against hate and going to language that allegedly tries to protect people after a crime has been committed. This eliminates the policy that we do not want any groups targeted. He further commented that the only justification being used for this bill is that a laundry list should be eliminated. However, a laundry list appears in the bill.

CHAIRMAN GROSFIELD maintained that this bill will cover everyone who is currently covered plus a variety of other people. This includes the incident in Billings that involved a mentally and physically handicapped person who was beat up at a bus stop. That person was not addressed under current law but would be under SB 213. We are increasing protection. As introduced, the bill was vague but the amendments add much more specificity. The intention of the bill is to make a strong statement that we do not like discrimination against any class.

SEN. DOHERTY stated that expanding the bill to include the world results in the loss of the legal requirements for specificity in crimes. This is the danger. The intent may be honorable but the net effect is that by including the world, the strength of the current hate crimes act is diminished. We run a great risk of having this bill thrown out because it is over broad and vague. This would send a very bad message. We will not be able to prosecute hate crimes if this is thrown out.

Motion: **SEN. BARTLETT** moved that **SB 213 BE AMENDED BY STRIKING FROM THE REPEALER SECTION "45-5-221" AND CHANGING THE VERB FROM "ARE" TO "IS"**.

Discussion:

SEN. BARTLETT stated that if amended, the section would read: "Section 45-5-222, MCA is repealed."

SEN. DOHERTY remarked that the bill as amended is a sentence enhancement and section 221 addresses specific crimes. He questioned whether this would work. **Ms. Lane** stated this would involve two sections of law on the books that prohibit certain activities and the prosecutor would have to determine how he would charge the crime.

CHAIRMAN GROSFIELD added that during the hearing it was mentioned that under 222 and 221 there were penalties. He added that 222 uses the wording "except when 221 applies". This would not allow for an accumulation of penalties. Under SB 213 with 221 still in effect there could be enhancement of a penalty.

SEN. GRIMES asked **SEN. BARTLETT** if she would support the bill with the amendment. **SEN. BARTLETT** stated that she is firmly convinced that the vagueness would cause the legislation to be struck down. Her amendment would reduce what she perceives to be the damage of the bill as currently amended. Retaining 221 on the books would reduce the damage.

Vote: Motion failed 4-4 on roll call vote.

Vote: Motion carried 5-4 with Bartlett, Bishop, Doherty, and Halligan voting no.

EXECUTIVE ACTION ON SB 165

Motion: **SEN. HALLIGAN** moved that **SB 165 BE AMENDED - SB0016506.av1, EXHIBIT(jus19a08).**

Ms. Lane explained that the amendment included a new subsection (3) at the suggestion of **Brenda Nordlund, Department of Justice**. She stated that there should not be silent liens on titled vehicles. This requires that the lien be filed with the Department of Motor Vehicles.

Vote: Motion **carried unanimously - 8 -0.**

Motion/Vote: SEN. MCNUTT moved that **SB 165 DO PASS AS AMENDED**.
Motion **carried unanimously - 8-0.**

EXECUTIVE ACTION ON SB 222

Motion/Vote: SEN. HALLIGAN moved that **SB 222 DO PASS**. Motion **carried unanimously - 8-0.**

ADJOURNMENT

Adjournment: 12:12 P.M.

SEN. LORENTS GROSFIELD, Chairman

JUDY KEINTZ, Secretary

LG/JK

EXHIBIT (jus19aad)